

# **EXHIBIT 13**

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LIFE INSIDE

# Dispatch From Deadly Rikers Island: “It Looks Like a Slave Ship in There.”

Rikers Island has been notorious for violence and neglect for decades. But detainees, corrections officers and officials tell us the New York City jail complex has plunged into a new state of emergency.



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New York City's Rikers Island jail complex has long been a dysfunctional, violent place. But 2021 has been particularly bloody. So far, 12 detainees have died there, at least five of them by suicide. There were 39 stabbings and slashings in August, compared with seven last August, according to a late September status report by court-appointed federal monitors.

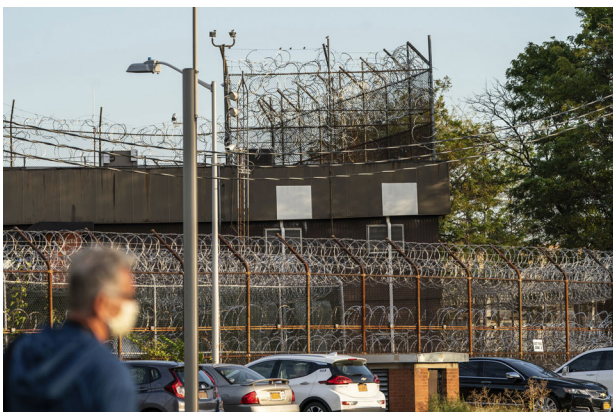
This article was published in partnership with New York Magazine. The monitors, appointed in the settlement of *Nuñez v. City of New York*, a 2011 class action suit filed by Rikers detainees, have described the situation as "nothing short of an emergency." That "emergency" is marked by "violence among incarcerated people, violence at the hands of [s]taff, and violence toward [s]taff, in addition to a disturbing rise in self-harming behavior." The status report also cites "failures to properly secure doors on cells, vestibules and control stations."

The explanations for the current crisis depend on whom you talk to. Corrections officers say staffing shortages and new rules limiting long-term solitary confinement have made their jobs more dangerous. "Officers have been burned by scalding water, cut, robbed, beat up and stomped out," said one officer who withheld their name because their employment contract prohibits unauthorized interviews. "Feces are being thrown on them."

But the so-called *Nuñez* monitors, who track use of force by Rikers staff, and city officials, including Mayor Bill de Blasio, point to widespread absences by corrections officers, who have unlimited sick leave. Monitors report that over the past five months, thousands of officers have been calling in sick or not reporting to work at all. Those who do come in are often forced to work multiple shifts in a row, leading to fatigue, violence, burnout and more absences.

"This is what the end of mass incarceration looks like," the city's corrections commissioner, Vincent Schiraldi, said in an interview. "It's going to end messy, it's going to end ugly. And that's what's happening right now."

Schiraldi was one of several people, including detainees, corrections officers and government officials, who shared their perspective on the Rikers crisis with The Marshall Project. Their interviews, edited for length and clarity, are below. Some people we spoke to withheld their names out of fear of job loss or loss of privacy. Responses from the Department of Correction are at the end of the story.



A security fence surrounds housing for incarcerated people at the Rikers Island correctional facility in New York on Sept. 27, 2021.

JEENAH MOON/ASSOCIATED PRESS

## THE DETAINEES

***Robert went to Rikers on July 14 on a technical parole violation. A court approved his release on Sept. 23, but when The Marshall Project spoke to him four days later, he was still in jail. He got out on Sept. 29.***

When I got to Rikers, me and my parole officer waited outside of the [Otis Bantum Correctional Center] building for three hours. When we finally got inside, we stepped over a puddle of blood. We learned that some guy beat another guy up so bad, his eyeball popped out of his head.

About 15 minutes after they put me in the bullpen [intake area], the guy that beat the other guy up came into my cell. He and I had a word or two, and I got hit in the face twice. That's how my glasses broke. My lawyer said she was going to make a phone call to expedite me getting a new pair, but 70 days in, there are no glasses.

This is a safety issue for me: I may have an enemy that I can't see until he's up in my face. And I can barely see the food I'm eating, a problem since there was once a cooked mouse in the food they served us.

Officers aren't protecting inmates. Right now, there's one lady watching 50 inmates from the other side of the gate. There's supposed to be an A officer and a B officer. But there is no B officer here.

Gangs run the jail now. For instance, let's say we've got empty beds in the dorm where I'm staying. When officers bring an inmate here, the guy that runs the house — I call him the man of the house — will go to the gate to see who he is. He'll ask him a whole bunch of questions: *Are you gang banging? Where you from? What house you left? What are you into?* Then he will make a decision. If it's, *No, he can't stay here*, the officers take him back to intake and re-house him.

If COs (corrections officers) force the inmate in here, we're going to let him come in, but as soon as the door closes, we're going to jump him. We're like a pack of pit bulls here. You've got to roll with the rush or you will get crushed.

I've seen somebody get hit in the head with a fire extinguisher; I thought the guy was dead. How did an inmate get a fire extinguisher? There was another guy that got stabbed in his chest with a kitchen knife. It took security 10 minutes to come in here and get him out, and then an additional 15 to [remove] the guy who stabbed him. The kitchen knife is still here; I've seen it. That's for the next guy that's going to get stabbed.

I've had my own problems. Someone pulled a knife out on me and wanted me to leave the housing area. Instead of fighting him knife-to-knife, I [thought], *I'm going to get a new charge*. So I just packed up my shit and left the housing area. I looked real soft, like a sucker. But I'm not fighting 12 people, no matter how strong I am.



Osha, a transgender woman, spent three of four months at Rikers in men's facilities.  
COURTESY OF OSHA

***Osha is a transgender woman who recently spent four months in Rikers. For three of those***



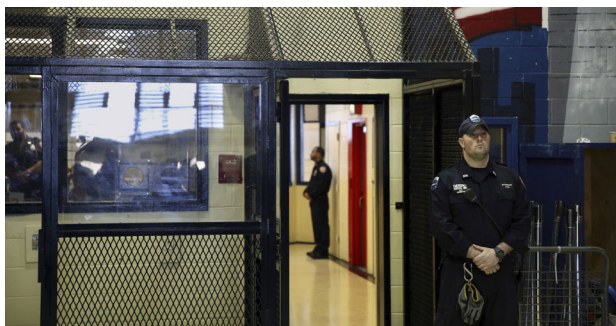
***months, she was held in men's facilities despite the city's policy of housing people according to their gender identity. Osha was released in September.***

When I got to Rikers and they tried to place me in the men's jail, I said, "I am a female. You can call the captains, but I am not getting off this bus." Eventually, a captain came and said, "Please go inside, and I will see what's going on." So I went inside.

I was in a holding pen for four or five days because they said it was hard to place transgender females [in more permanent housing]. There are no showers in the pen, the sinks were messed up, and I didn't have a change of clothes. The toilets overflowed, so there were feces and urine everywhere. We had to use plastic bags or try our best to go in milk cartons. We were stepping in feces then sleeping on a bench where people had put their feet up.

I finally moved to a dorm after the protective custody paper was put through, but nothing in that house made it protective. I was sleeping [in a bunk] where somebody could reach out and attack me if he was having a bad day.

Most of [my prior convictions] came from being homeless. I ended up in Rikers because my parole officer tried to force me to go to a men's shelter, and I refused. I was going from Airbnbs to hotels, and she said I needed a steady address. Eventually, I stopped showing up to my appointments with her. They picked me up at a women's shelter. I plead guilty to absconding, but I don't feel like I belonged on Rikers Island. Right now, nobody needs to be in Rikers.



Corrections officers stand guard at a unit at the Rikers Island jail complex in New York, March 12, 2015. RICHARD PERRY/THE NEW YORK TIMES, VIA REDUX

***Jeffery went to Rikers on Sept. 7, after missing parole appointments. He will be in jail at least until November, when his parole violation hearing is scheduled.***

When I got to Rikers, I was in the bullpen for about five days. It looks like a slave ship in there. There were like 30 of us piled in there. People were laying beside each other all the way up to the wall, under the bench, and all the way up to the bars. There was only one sink, and the one toilet wasn't

working. There was fecal matter on the floor we had to sleep on. I wrapped myself in garbage bags to try to keep from getting contaminated.

Rikers [overall] is not dealing with people's health issues properly. I'm supposed to take insulin for my diabetes every night, but I've only gotten it six times since I've been here. The nurses are supposed to call down to the CO, and the CO is supposed to escort you to get your medicine. But they don't have no escort here. They claim they have a staff shortage.

On nights when [I've been able to] walk outside, and I try to go get my medicine, there is trash everywhere and broken glass in the stairwells. I can just go pick up a piece of glass right now and cut somebody if I wanted to. There are also fights in the hallway — COs versus the inmates, or the inmates versus the inmates.

At least on the street when I didn't have my medicine I had the emergency room or urgent care. Here, I'm worried about my health. I don't have nothing to think about *but* that.

## THE MONITOR

***Robert L. Cohen, M.D., is a physician. As a member of the New York City Board of Correction, he makes regular visits to Rikers. He has also served as an independent monitor for prisoner medical care in Connecticut, Florida, Michigan and Ohio.***

I've visited jails and prisons all over the country, and Rikers Island has a deserved reputation of extreme violence.

When I went in April, I saw people sleeping in receiving rooms for days at a time. They were not getting fed or [having] their intake medical examinations. That's very dangerous. You don't want people to come into jail if they're too sick. Certainly during COVID, that's critical.

When I went back this summer, the [corrections] union had already established the story that it was not safe to work at Rikers. They had basically ceased to take responsibility for what was happening. For example, one day I was in the [officers'] bubble of one of the housing areas. In the bubble, the officer is theoretically protected from everyone; she has cameras she can watch, and she can contact central if she needs to. One of the cameras was blurry that day. When I asked why, I was told someone had put toothpaste on the lens. I asked if someone could remove the toothpaste, and they said it was too dangerous to go in there without calling the Emergency Services Unit, a team in

riot gear. I had just been in the area, and it was totally calm. [Detainees] were playing checkers and eating. There are many episodes of serious violence at Rikers, but this case was learned helplessness.

[Despite what the union says,] there's no understaffing. The Department of Correction manages 10 facilities, and eight are on Rikers Island. Systemwide, there are [just under] 6,000 people being held in the jails and over 8,000 correctional officers in uniform. That's more than one officer for every person. That's an incredibly heavy staffing load. There should not be any problem with adequacy of officers if they were coming to work.

In places like hospitals or jails, where people responsible for other humans do shift work, you stay on if someone doesn't come in. Right now, with 20% to 25% of the correctional staff not coming in, [others] are afraid of coming to work because they're going to do a double or a triple. So, more people don't come to work. There are thousands of people who don't come to work every day. And that's who has created the crisis.

Union leaders and officers say the problem is that officers are working 72 hours a day and that we got rid of solitary confinement. But the story of Rikers is this: Over the last five years, the [Nuñez federal monitor] reports show increasing rates of violence by officers against incarcerated people. Not until the 11th report did they finally say that facility leadership is responsible for the chaos.

Before his visit last week, [Mayor Bill] de Blasio had not been to Rikers since 2017. He has known about the crisis for months, but didn't say anything about it at first. It's great that legislators came and congressmen are taking action. It's great that the [state attorney general] came to the Island. But there is nothing that has not been known for five months or more.

## THE CORRECTIONS OFFICERS

***Anonymous 1 has been a corrections officer on Rikers Island for more than 10 years. She asked us to withhold her name because she's not authorized to speak to the press.***

The conditions inside are horrible. The inmates are responsible for cleaning the building; they get paid for that. But we don't have the staff to go to the housing areas to pick up the inmates to do the cleaning. Now [the jail has] brought in outside companies to do the cleaning. However, they have not been authorized yet to go to the area where the inmates are at. They can do our bathrooms and administration offices, but the main problem is where the inmates are.



We feel that because predominantly minorities work for the system, no one cares about us. It's almost like we're the forgotten officers of New York City. It's like, *Just pay these minorities, and they'll just be happy to have a job. Just give them that money and they'll be OK.* But it's not OK.

Inmates are beating the hell out of these officers in here. The majority of our officers who are out right now have work-related injuries, not COVID. But the [Department of Correction] doesn't report it. The department will downgrade an injury in a heartbeat.

When you do have an officer that defends himself, we're in the media, like, *Oh my God, you beat up an inmate!* The inmates know our power has been removed. These guys can jump up in your face and yell, "I'll fuck you up!" You can't touch them.

They don't want to put [detainees] in solitary confinement, because the outside people say it makes people become mentally ill. But how are you supposed to separate the violence? [The box] is for their safety as well, because they're cutting each other! Without the box, the person cutting you up is going to stay in that damn housing area with you!

I've never felt this level of anxiety before. I'm a very strong officer, but the anxiety today is not knowing what's going to happen when you go to work. Not knowing when you're going to get to go home is messing up a lot of families. You're not seeing your loved ones; you're not seeing your kids.

Everybody on the outside has come in and removed our powers. The *Nuñez* [class action suit] has removed our powers. The federal monitor has removed our powers. Everybody that has nothing to do with jailing has removed our powers for us to do our job effectively.

***Anonymous 2 retired from Rikers in 2020, after 20 years as a corrections officer. She asked us to withhold her name because she's concerned about the Department of Correction retaliating against her remaining friends and colleagues.***

I had a great career, and I was never assaulted by an inmate. There's just a way to speak to people. You're inside a jail with criminals, and nothing stops them from popping you upside the head but the respect they have for you. If you're getting all boisterous or defensive, saying, "Fuck you, I'm not taking you to sick call!" or, "To hell with you! You're not getting nothing to eat!" the person is getting pissed off. He's locked up, he's aggravated, or maybe he didn't commit the crime. And now he's like, *You know what, fuck you!*

I think a bunch of things escalated all of this current nonsense: First of all, [Mayor Bill] de Blasio,

took away punishment options for the inmates. Then they put all the cameras everywhere. Now, if an inmate beats [one of us] up, and [we] defend ourselves, [we're] getting suspended without pay because [we] "assaulted" an inmate.

Plus, we're short-staffed, and officers filling in don't know what to do. When I came on the job, you got thrown right into the jail [and learned] how to operate a housing area and run your services. It was hands on, so you lost your fear factor.

In my last three years, there was too much favoritism. They were sending people to the office when they should have been in the jails. But if I take you from the academy, put you in an office, and keep hooking you up, you won't know how to work a housing area. You're going to be scared.

## THE COMMISSIONER

***Vincent Schiraldi is the Commissioner of the Department of Correction in New York City. He took office on June 1, two weeks after the independent monitor called for a "wholesale change" in the department.***

It is painful as hell to go through this. It's painful for the incarcerated people and for the staff. It's painful for me personally.

On any given day, 1,700 uniformed Rikers staff are out sick. Another 700 and change are medically modified, which means they can't work with incarcerated people. Right off the bat, 2,400 people can't do the thing you want correctional officers to do, which is [provide] safety, care and security for incarcerated people. That's a big hole to start every day in.

There is no programming if there's not enough staff. You can't get your visit. We won't have religious services today. We won't have haircuts. Commissary doesn't come in time. All that stuff piles on top of itself and results in a very frustrating, tense and sometimes violent environment.

The removal of long-term [solitary] confinement is a positive thing. But I don't think we've implemented it the way you should. When you take that stuff away, you need to fill the day with programs and incentives and decency in a way we haven't done. This is the essence of the culture change.

Violence is nine times higher among the young adult population, so we are starting there. We took all these young adults and staff on the [youth] units. We presented data, then said [to the detainees

and staff], "You have the lived experience. What are we going to do?" The answer was programs, lots of programs.

We created elaborate incentive systems, and now there's a high level of buy-in for the young people and the staff on this. They can earn new privileges, like walking around the unit unescorted, or having their parents visit the unit and see their room, instead of just doing visits in the visiting hall. You have to behave for a certain amount of time to be able to do that. And if you don't behave, you lose that.

We're also going to physically transform the space. I did this before in juvie in D.C. It will be much more humane, much more decent. We'll put in a lending library. We brought in 50 ministers to paint and clean in those young adult units. We hung up pictures of the furniture we're going to buy for the unit, and the young people and the staff got to vote on what kind of chairs and couches they wanted. They'll have bedspreads, not army blankets. I know a change in blankets sounds pathetically small as an innovation, but it's really big for these guys. Once you have proof of concept and people see you can deliver, violence goes down. People are going to want to come back to work. That's going to happen here. If it doesn't, the mayor should fire me.

I want people to imagine a better system, a place where if your son or daughter worked there, it would feel like it was a decent place, and they were safe. I want people to imagine a place where if your son or daughter were incarcerated there — as much as you wouldn't want that to happen, anywhere, ever — you could know that they were safe and treated decently, like a human being. I believe we can get there. If that's the goalpost, then we change things.

*While we have allowed anonymous contributors to withhold their names, The Marshall Project has verified their identities and employment. The Department of Correction issued the following response in an email. The Marshall Project has cut and paraphrased for space and clarity.*

*On Robert's, Osha's and Jeffrey's intake claims: "The recent problems with intake ended two weeks ago when we [closed] the main intake at Otis Bantum Correctional Center and [reopened] the Eric M. Taylor Center. The Taylor center "now serves as the main intake" and the "average intake time is now well below 24 hours."*

*On violent incidents Robert describes: "We have no reports matching the description of the event[s] you've described. ...The department has a report "of an incarcerated person spraying other people with a fire extinguisher," but none of anyone being hit in the head. The department has "no way of confirming" a kitchen knife stabbing "without more identifying information, though several*

*stabbings have occurred at OBCC in recent months."*

*On Robert's claim of an absent B officer: "Situations like this are related to our staffing shortages, which the department has been reporting for months. We track unmanned posts on a tour-by-tour basis, and work to shift staff to these areas as officers arrive for their shifts."*

*On Robert's description of gang activity: "Gangs do not decide where people are housed. That decision is made by Custody Management." Due to "the increasing numbers of people who are affiliated with gangs in the Department's custody," more are housed together. "We recognize that this is not safe, and the department has committed to breaking up gang housing as part of its #NewDayDOC initiative.*

*On Osha's placement in men's facilities: The Department of Correction would not comment specifically about Osha's housing but said it "remains committed to housing individuals in our care by gender identity." It added that "persons in custody can rapidly and confidentially reach out to the Director of LGBTQI Initiatives" about housing through a tablet-based confidential messaging system or through its LGBTQ hotline.*

*On Jeffrey's broken glasses and lack of insulin: The department said it had no way of confirming the events without more identifying information. It said a lack of medical escorts is "possible" due to staffing problems.*

*On assaults against corrections officers: "COs do get assaulted regularly, and that is totally unacceptable."*

*On officers being suspended unfairly: "Under the agreement with the Nuñez [f]ederal [m]onitor, all [u]ses of [f]orce (UOF) must be investigated in a timely manner, and appropriate discipline must be undertaken if the UOF is deemed unnecessary or excessive." ... "The Department has no interest in suspending officers who use force appropriately, because using force when appropriate is a necessary part of the job."*

*On Anonymous 1's claims that most officers out sick actually injured: "This appears to be conjecture unsupported by data. ... Anyone who is actually sick should take the time needed to recuperate. ... However, DOC's Investigation Division is well aware that a large number of officers have been abusing DOC's unlimited sick leave policy."*